

August 29, 2003



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in WT Docket No. 03-66

Dear Ms. Dortch:

On August 28, 2003, Harold Feld, Associate Director, MAP, Michael Calabrese, Director, Public Assets Program, New America Foundation, and Jim Snider, Senior Fellow, New America Foundation, met with John Muleta, Chief, Wireless Bureau, Peter Tenhula, Co-Director, Spectrum Policy Task Force, and David Furth, Associate Bureau Chief.

At the meeting, Mr. Muleta stated that the primary concern of the Commission in any proceeding fundamentally reexamining the nature of a wireless service should be to promote the use of wireless technologies to the benefit of the public. He spoke of "liquidity" as a concept encompassing both flexibility of use and creating a dynamic use of spectrum. He stated that while the Commission has an obligation to protect the reasonable expectations of licensees, this does not translate into a preservation of the status quo.

Mr. Feld, Mr. Calabrese, and Mr. Snider agreed with the general goal. They suggested that increasing unlicensed access promotes the greatest liquidity. Further, they argued that the proposed two-sided auction violated the Communications Act. Mr. Muleta stated he was "agnostic" on whether auctions or unlicensed access served the public better. He asked what mechanisms could produce sufficient "white space" to ensure deployment of technologies to justify assigning bands to primary unlicensed access. MAP and NAF staff discussed developments in software defined radios and other technological advances that take advantage of unused spectrum. MAP and NAF staff also stated that their comments in the proceeding would address various distribution mechanisms.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted

Harold Feld
Associate Director
Media Access Project

cc: John Muleta, Peter Tenhula, David Furth